

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

MATTHEW BROMLOW and JOHNNY
WALTERS, individually and on behalf of
others similarly situated, and on behalf of the
general public,

Plaintiffs,

v.

D&M CARRIERS, LLC dba FREYMILLER,
and DOES 1-10, inclusive,

Defendants.

Case No. 5:20-cv-00195-D

Honorable Timothy D. DeGiusti

**JOINT STIPULATION TO DISMISS ACTION WITHOUT PREJUDICE AS TO
DEFENDANTS DOES 1-10**

Plaintiffs, Matthew Bromlow and Johnny Walters, and Defendant, D&M Carriers, LLC d/b/a Freymiller (Freymiller), pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), hereby stipulate to dismiss this action without prejudice as to Defendants Does 1-10.

1. Plaintiffs filed their Class Action Complaint (ECF No. 1) on August 26, 2019. (ECF No. 1) Plaintiffs filed their First and Second Amended Complaints on November 6, 2019, and November 20, 2020, respectively. (ECF Nos. 35, 106). Freymiller has appeared and filed answers to Plaintiffs' First and Second Amended Complaints. (ECF Nos. 85, 108).

2. In addition to Freymiller, Plaintiffs have named in all pleadings defendants identified as "Does 1-10." Plaintiffs' pleadings used "Does 1-10" as a placeholder, intended to put Freymiller on notice of the possibility that Plaintiffs would seek to join

additional named defendants pursuant to Fed. R. Civ. P. 20(a)(2). Plaintiffs have not thus far sought to join additional named defendants, and do not anticipate doing so.

3. On January 13, 2021, the Court issued an Order to Show Cause, in which the Court noted that no summons has been requested or issued for any “Doe” defendant and that no proof of service or waiver has been filed and ordered Plaintiffs to show cause not later than February 1, 2021, why this action should not be dismissed without prejudice as to Defendants Does 1-10 for failure to effect service of process within 90 days after filing the Complaint. (ECF No. 114).

4. The parties hereby stipulate to dismiss this action without prejudice as to Defendants Does 1-10.

Respectfully submitted,

Dated: January 21, 2021

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Dated: January 21, 2021

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SIGNATURE CERTIFICATION

Pursuant to the Electronic Filing Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to James H. Hanson, counsel for Defendant D&M Carriers, LLC d/b/a Freymiller, and that I have obtained the authorization of Mr. Hanson to affix his electronic signature to this document.

Dated: January 21, 2021

Respectfully submitted,

/s/ Nicholas Conlon

Nicholas Conlon, *admitted pro hac vice*